

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, May 16, 1935.

The meeting was called to order with Mayor Tom Miller presiding. Roll call showed the following present: Councilmen Chas. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf, 5; absent, none.

The Minutes of the last regular meeting were read and upon motion of Councilman Alford, seconded by Councilman Gillis, the same were adopted as read by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE REQUIRING THE APPROVAL OF ANY PERSON WHO MAY DRIVE OR OPERATE ANY AUTOMOBILE LICENSED AND USED IN THE BUSINESS OF CARRYING OF PASSENGERS FOR HIRE IN THE CITY OF AUSTIN, AND PRESCRIBING PENALTIES.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time and Councilman Wolf moved a further suspension of the rule and the placing of the ordinance on its third reading. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time and Councilman Wolf moved that same be finally passed. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The following report of the City Engineer was read:

"Austin, Texas
May 15, 1935

Mr. Guiton Morgan
City Manager
Austin, Texas.

Dear Sir:

I have investigated the request of Herman L. Achilles, owner of Lots 23, 24, 25, and 26, Block 1, of Oaklawn Addition within the City of Austin, Travis County, Texas, which property is locally known as 507-509 East 38th Street, for permission to construct a flagstone walk between the property line and the curb line opposite the above described property.

I recommend that this permit be granted at the above described location subject to the following conditions:

That the stone shall be laid in a smooth and workmanlike manner and shall conform to the sidewalk grades as given by the Engineering Department of the City of Austin in order that same will not create a hazard to pedestrians.

That the stone shall be placed upon a 4" concrete base and that all work within the City streets shall be done by a bonded sidewalk contractor and in accordance with the instructions and directions of the City Engineer of the City of Austin.

Respectfully submitted,

(Sgd) J. E. Motheral,
City Engineer. "

Councilman Alford offered the following resolution:

WHEREAS, the curb and sidewalk specifications of the City of Austin which have been previously adopted by the City Council of the City of Austin require that all curbs and

sidewalks be constructed of concrete unless a special permit has been secured from the City Council of the City of Austin to construct curbs and sidewalks of other materials; and

WHEREAS, Herman L. Achilles, owner of Lots 23, 24, 25, and 26, Block 1, of Oaklawn Addition within the City of Austin, Travis County, Texas, and being locally known as 507-509 East 38 $\frac{1}{2}$ Street, has requested the City Council of the City of Austin to grant permission to construct a flagstone walk from the curb line to the property line at the above described property; and

WHEREAS, the City Council of the City of Austin has investigated and approved the construction of said flagstone walk; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Herman L. Achilles, owner of Lots 23, 24, 25, and 26, Block 1, of Oaklawn Addition within the City of Austin, Travis County, Texas, which property is locally known as 507-509 East 38 $\frac{1}{2}$ Street, is hereby granted permission to construct a flagstone walk from the property line to the curb line at the above described location and said walk is to be constructed under the supervision and direction of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin, and further subject to the following conditions:

That the stone shall be laid in a smooth and workmanlike manner and shall conform to the sidewalk grades as furnished by the Engineering Department of the City of Austin in order that said flagstone walk will not create a hazard to pedestrians.

That the stone shall be placed upon a 4" concrete base and that all work within the City street area shall be done by a bonded sidewalk contractor.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Alford offered the following resolution:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in SOUTH SECOND STREET, beginning at a point 18 feet south of and 7 $\frac{1}{2}$ feet west of the intersection of the north line of West Annie Street and the east line of South 2nd Street;

Thence in a northerly direction with the centerline of a gas main, which centerline shall be 7 $\frac{1}{2}$ feet west of and parallel to the east line of said South 2nd Street, for a distance of 218 feet.

Said gas main described above shall have a cover of not less than 2 $\frac{1}{2}$ feet.

(2) A gas main in BOULDIN AVENUE, beginning at the end of an existing gas main, which point of beginning is 90 feet north of and 7 $\frac{1}{2}$ feet west of the intersection of the north line of Christopher Street and the east line of Bouldin Avenue;

Thence in a northerly direction with the centerline of a gas main, which centerline shall be 7 $\frac{1}{2}$ feet west of and parallel to the east line of said Bouldin Avenue, for a distance of 80 feet.

Said gas main described above shall have a cover of not less than 2 $\frac{1}{2}$ feet.

(3) A gas main in SAN JACINTO STREET, beginning at a point 103 feet north of and 10 feet west of the intersection of the north line of East 18th Street and the east line of San Jacinto Street;

Thence in a northerly direction with the centerline of said gas main, which centerline shall be 10 feet west of and parallel to the east line of San Jacinto Street, to a point that is 14 feet south of the north line of East 18th Street Alley.

Said gas main described above shall have a cover of not less than 2 $\frac{1}{2}$ feet.

(4) A gas main in EAST EIGHTEENTH STREET ALLEY, beginning at a point 14 feet south of and 10 feet west of the intersection of the north line of East 18th Street Alley and the

east line of San Jacinto Street;

Thence in an easterly direction with the centerline of a gas main, which centerline shall be 14 feet south of and parallel to the north line of said East 18th Street Alley, for a distance of 46 feet.

Said gas main described above shall have a cover of not less than 2½ feet.

(5) A gas main in WEST FORTY-SECOND STREET, beginning at a point on an existing gas main in Rosedale Avenue, which point of beginning is 8 feet south of and 15 feet west of the intersection of the north line of West 42nd Street and the east line of Rosedale Avenue;

Thence in a westerly direction with the centerline of a gas main, which centerline shall be 8 feet south of and parallel to the north line of said West 42nd Street, for a distance of 225 feet.

Said gas main described above shall have a cover of not less than 2½ feet.

(6) A gas main in ROSEDALE AVENUE, beginning at a point 152 feet south of and 15 feet west of the intersection of the south line of West 42nd Street and the east line of Rosedale Avenue;

Thence in a southerly direction with the centerline of a gas main, which centerline shall be 15 feet west of and parallel to the east line of Rosedale Avenue, for a distance of 60 feet.

Said gas main described above shall have a cover of not less than 2½ feet.

(7) A gas main in LOWELL STREET, beginning at a point on an existing gas main in Longfellow Street, which point of beginning is 13 feet south of and 21 feet east of the intersection of the north line of Lowell Street and the west line of Longfellow Street;

Thence in an easterly direction with the centerline of a gas main, which centerline shall be 13 feet south of and parallel to the north line of said Lowell Street, for a distance of 191 feet.

Said gas main described above shall have a cover of not less than 2½ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is out in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The following communication from the Board of Adjustment was read:

"Austin, Texas
May 10, 1935

Hon. Mayor and City Council,
City of Austin
Austin, Texas.

Gentlemen:

The Board of Adjustment, at a meeting held on April 25, 1935, passed the following resolution, which is hereby submitted for your consideration:

R E S O L U T I O N

WHEREAS, the Board of Adjustment of the City of Austin, at a meeting held on

April 25, 1935, carefully considered the question of changing the use designation of the property fronting on the west side of Rio Grande Street from West 24th Street to the alley between 26th and 28th Streets, being more particularly the following lots in Division "D", Outlot 47, Mathis Subdivision, Lots 2R and 2Q; Watson Subdivision, Lots 1, 2, 3, and P, Outlot 52, Lots 7, G, 1, H and I; and all other property lying between Rio Grande and Salado Streets from West 26th Street north to the alley approximately 220 feet south of 28th Street from "A" Residential District to a "B" Residential District; and

WHEREAS, the zoning maps of the City of Austin show all the property on the east side of Rio Grande Street opposite the property referred to above to be zoned as a Residence "B" District except the corner at 24th Street, which is zoned for commercial purposes, said property now consisting of Seton Infirmary and Nurses' Home and several boarding houses and apartments and being essentially the character of Residence "B" property; and

WHEREAS, the zoning maps also show that of the property referred to above the lot at the corner of 26th and Rio Grande Streets is now zoned as Residence "B" and the corner of 24th Street is zoned as Commercial "C" and an examination of this property shows that it consists largely of boarding houses and apartment houses and fraternity houses and that its present character is essentially that of a Residence "B" District; and

WHEREAS, applications for the use of this property for Residence "B" purposes have been filed with the Building Inspector; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the character of this property is essentially "B" Residential and is largely so used at the present time, there being several non-conforming uses on the same and that its present classification is manifestly improper and not in harmony with the existing uses and conditions and that inasmuch as the opposite side of Rio Grande Street is now zoned for Residential "B" purposes, the present classification of the above mentioned property is more or less discriminatory and inequitable and it is the judgment of the Board that both sides of Rio Grande Street should be zoned alike under these conditions.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne. "

Councilman Wolf moved that a public hearing on the proposal to change the zoning of the above described property be called for June 6 at 11:00 A. M., and that notice of such hearing be completed by publication as required by the terms of the Zoning Ordinance. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Gillis offered the following resolution:

WHEREAS, R. E. Rawls, lessee from the H & T C. Railroad Company of a portion of Outlot 1, Division "O" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, has made application to the City Council of the City of Austin for permission to construct two 14-foot commercial driveways across the east sidewalk area of East Avenue between East 4th Street and East 5th Street, at property locally known as 407 East Avenue, as shown upon the plan hereto attached marked 2-C-584, which plan is made a part of said request; and

WHEREAS, the City Council of the City of Austin has favorably considered the granting of said request; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT R. E. Rawls, lessee from the H. & T. C. Railroad Company of a portion of Outlot 1, Division "O" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, is hereby granted permission to construct two 14-foot commercial driveways across the east sidewalk area of East Avenue, which driveways are to be constructed adjacent to property fronting on the east side of East Avenue and situated between East 4th Street and East 5th Street, and being locally known as 407 East Avenue, subject to the construction of concrete ramps, curbs, driveways, and expansion joints as shown upon the plan marked 2-C-584, which plan is hereby made a part of this resolution, and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets shall

be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin and in accordance with lines and grades furnished by the Engineering Department of the City of Austin.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE REGULATING TRAFFIC ON CERTAIN STREETS
AT CERTAIN INTERSECTIONS IN THE CITY OF AUSTIN, PRO-
VIDING FOR STOP SIGNS AT SUCH POINTS, AND PRESCRIB-
ING A PENALTY FOR THE VIOLATION OF THE ORDINANCE.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the second time and Councilman Gillis moved a further suspension of the rule and the placing of the ordinance on its third reading. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The ordinance was read the third time and Councilman Gillis moved that same be finally passed. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

It was moved by Councilman Gillis, seconded by Councilman Wolf, that in view of the circumstances in the case, the request of Hon. Clint Small for a remission, in whole or in part, of the fine assessed against J. B. Goodson, University of Texas student, in Cause No. 38769 in the Corporation Court, for negligent collision, be denied. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

There being no further business, Councilman Alford moved, seconded by Councilman Gillis, that the Council recess, subject to call of the Mayor. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

The Council then recessed.

Approved: Tom Miller.
Mayor

Attest:

Thelma McEllar
City Clerk